

Notice of Allowability	Application No.	Applicant(s)	
	09/985,669	HAYASHI ET AL. 95	
	Examiner	Art Unit	
	TISHA D. LEWIS	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination filed on August 23, 2004.
2. ☒ The allowed claim(s) is/are 1-22, 27-80, 83-94 and 97.
3. ☒ The drawings filed on 05 November 2001 and 24 January 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
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| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 23, 2004 has been entered.

Information Disclosure Statement

The information disclosure statement filed on July 23, 2004 has been acknowledged.

Response to Amendment

Claims 1-11, 13-18, 20, 41-47, 65-74 and 97 are pending in the application. Claims 23-26, 95 and 96 have been cancelled. Claim 97 is newly added.

Response to Arguments

Applicant's arguments, see pages 24-25, filed July 23, 2004, with respect to the Cotterman reference not disclosing a hill holder mechanism using the same components as claimed and being combined with Teske et al to produce a piston actuated by a screw actuator would destroy the Cotterman reference have been fully considered and are persuasive. The 102(b) rejection and 103(a) rejection of claims 1-11, 13-18, 20-22, 23-26, 28, 41-47, 65-74 and 95-96 has been withdrawn.

Election/Restrictions

Due to the allowability of generic claims 1, 28, 67 and 97, all claims previously withdrawn from consideration due to restriction requirement are now subject to being rejoined. Claims 12, 19, 27, 29-40, 48-64, 75-80 and 83-94 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on March 7, 2003 is hereby withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mitchell W. Shapiro on September 16, 2004.

The application has been amended as follows:

-Claims 81 and 82 have been cancelled.

Allowable Subject Matter

Claims 1-22, 27-80, 83-94 and 97 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

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-(As to claims 1 and 67) a starting clutch and control method for a starting clutch having a planetary, a first clutch outputting torque to an outer diameter portion of the planetary, a second clutch outputting torque to an intermediate portion of the planetary, a lock mechanism locking a reactive force from an inner diameter of the planetary, a ring gear connected to a case of the second clutch, an output shaft connected through a carrier of the planetary to a hub of the second clutch and a hill holder using the hub or carrier as an outer ring and a sun gear of the planetary or member connected to the sun gear as an inner ring.

-(As to claims 28 and 97) a starting clutch and control method for a starting clutch having a planetary, a first clutch outputting torque to an outer diameter portion of the planetary, a second clutch outputting torque to an intermediate portion of the planetary, a lock mechanism locking a reactive force from an inner diameter of the planetary, a ring gear connected to a case of the second clutch, an output shaft connected through a carrier of the planetary to a hub of the second clutch and a piston actuated by a ball screw to fasten the first and second clutch which will output an amplified torque.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl
September 16, 2004


TISHA LEWIS
PRIMARY EXAMINER
AU 3681 9/16/04